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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM <i>(to be used for all correspondence during pendency of filed application)</i>	0001/PTO Rev. 10/95	U.S. Department of Commerce Patent and Trademark Office	Application Number	09/976,686
			Filing Date	October 11, 2001
			First Named Inventor	Jeffrey S. Hastings et al.
			Group Art Unit Number	2184
			Examiner Name	UNASSIGNED
Total Number of Pages in This Submission			Attorney Docket Number	22407-05490

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) <input checked="" type="checkbox"/> Check Enclosed	<input type="checkbox"/> Issue Fee Transmittal
<input checked="" type="checkbox"/> Return Receipt Postcard	<input type="checkbox"/> Letter to Chief Draftsperson
<input checked="" type="checkbox"/> Response to Notice to File Missing Parts	<input type="checkbox"/> Formal Drawing(s): [] Sheet(s) of Figure(s) []
<input checked="" type="checkbox"/> Copy of Notice to File Missing Parts	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Declaration	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Power of Attorney	<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Application Data Sheet	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Information Disclosure Statement & PTO-1449 <input type="checkbox"/> Copies of IDS Cited References	<input checked="" type="checkbox"/> Declaration of Brian M. Hoffman of Facts in Support of Petition Under 37 C.F.R. § 1.47(a)
<input type="checkbox"/> Request for Corrected Filing Receipt	<input checked="" type="checkbox"/> Exhibits A & B to Declaration of Brian M. Hoffman
<input type="checkbox"/> Request for Correction of Recorded Assignment	<input type="checkbox"/>
<input type="checkbox"/> Amendment/Response: [] Page(s) <input type="checkbox"/> After Final	<input type="checkbox"/>
<input type="checkbox"/> Status Request	<input type="checkbox"/>
<input type="checkbox"/> Revocation and Substitute Power of Attorney	<input type="checkbox"/>

REMARKS:

SIGNATURE OF ATTORNEY OR AGENT

Signature:			
Attorney/Reg. No.:	Brian M. Hoffman, Reg. No. 39,713	Dated:	March 13, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, DC 20231 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.19.			
Signature:			
Typed or Printed Name:	Brian M. Hoffman	Dated:	March 13, 2002
Express Mail Mailing Number (optional):			

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/976,686	MAR 25 2002 10/11/2001	Jeffrey S. Hastings	22407-05490

00758
FENWICK & WEST LLP
TWO PALO ALTO SQUARE
PALO ALTO, CA 94306

CONFIRMATION NO. 1186

FORMALITIES LETTER



0C000000007060388

Date Mailed: 11/13/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$126.
 ▪ \$126 for 7 total claims over 20.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 996.

A copy of this notice **MUST** be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

03/27/2002 4BERHE 00000118 09976686

01 F01101	740.00 OP
01 F01105	130.00 OP
01 F01103	126.00 OP

PATENT



IN THE UNITED STATES

PATENT AND TRADEMARK OFFICE

APPLICANTS: Jeffrey S. Hastings *et al.*

APPLICATION NO.: 09/976,686

FILING DATE: October 11, 2001

TITLE: FAIL SAFE RECOVERY

EXAMINER: UNASSIGNED

GROUP ART UNIT: 2184

ATTY. DKT. NO.: 22407-05490

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Commissioner For Patents, Washington, DC 20231, on the date shown below:

Dated: March 13, 2002

By: B. Hoffman

Brian M. Hoffman, Reg. No. 39,713

BOX MISSING PARTS
COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF
APPLICATION AND PETITION UNDER 37 C.F.R. § 1.47(a)**

SIR:

Responsive to the Notice to File Missing Parts dated November 13, 2001 received in the above-identified patent application,

☒ Enclosed are:

- ☒ a copy of the Notice to File Missing Parts;
- ☒ an original Declaration signed by inventor Jeffrey S. Hastings;
- ☒ an original Power of Attorney or Authorization of Agent signed by inventor Jeffrey S. Hastings;
- ☒ an original Declaration of Brian M. Hoffman of Facts in Support of this Petition Under 37 C.F.R. § 1.47(a), with Exhibits A and B;

- ☒ payment in the amount of \$1,526.00 for the
- ☒ application filing fee;
 - ☒ fee for additional claims;
 - ☒ missing parts surcharge;
 - ☒ fee for a two (2) month extension of time; and
 - ☒ petition fee.


- ☒ Mr. Ruxiang Wang's last known address is:

41415 Timber Creek Terrace
Fremont, CA 94539.



Respectfully submitted,
JEFFREY S. HASTINGS *et al.*

Dated: March 13, 2002


By: 
Brian M. Hoffman, Reg. No. 39,713
Attorney for Applicants
Fenwick & West LLP
Two Palo Alto Square
Palo Alto, CA 94306
Tel.: (415) 875-2484
Fax: (415) 281-1350

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PTO/SB/17 (10-01)(modified)
Approved for use through 09/29/01, OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

0002/PTO(modified) Rev. 10/2000		U.S. Department of Commerce Patent and Trademark Office		Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE	
FEE TRANSMITTAL TOTAL AMOUNT OF PAYMENT Subtotal (1) + Subtotal (2) + Subtotal (3) =		(\$ 1,526.00)		Complete if Known	
				Application Number	09/976,686
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METHOD OF PAYMENT		FEE CALCULATION (continued)																																																																																											
1. The Commissioner is hereby authorized to: <input type="checkbox"/> Charge the indicated fees to the below mentioned deposit account. <input checked="" type="checkbox"/> Charge any additional fee required under 37 CFR 1.16 - 1.21 or credit any over payments to the below mentioned deposit account. [†] <input type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27		3. ADDITIONAL FEES <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Large Entity Fee Code/Fee</th> <th style="text-align: left;">Small Entity Fee Code/Fee</th> <th style="text-align: left;">Fee Description</th> <th style="text-align: right;">Fee Due</th> </tr> </thead> <tbody> <tr> <td>105/\$130</td> <td>205/\$85</td> <td>Surcharge - late filing fee or oath</td> <td style="text-align: right;">130</td> </tr> <tr> <td>127/\$50</td> <td>227/\$25</td> <td>Surcharge-late provisional filing fee or cover sheet</td> <td style="text-align: right;"></td> </tr> <tr> <td>147/\$2,520</td> <td>147/\$2,520</td> <td>For filing a request for reexamination</td> <td style="text-align: right;"></td> </tr> <tr> <td>115/\$110</td> <td>215/\$55</td> <td>Extension for response within first month[†]</td> <td style="text-align: right;"></td> </tr> <tr> <td>116/\$400</td> <td>216/\$200</td> <td>Extension for response within second month[†]</td> <td style="text-align: right;">400</td> </tr> <tr> <td>117/\$920</td> <td>217/\$460</td> <td>Extension for response within third month[†]</td> <td style="text-align: right;"></td> </tr> <tr> <td>118/\$1,440</td> <td>218/\$720</td> <td>Extension for response within fourth month[†]</td> <td style="text-align: right;"></td> </tr> <tr> <td>128/\$1,960</td> <td>228/\$980</td> <td>Extension for response within fifth month[†]</td> <td style="text-align: right;"></td> </tr> <tr> <td>119/\$320</td> <td>219/\$160</td> <td>Notice of Appeal</td> <td style="text-align: right;"></td> </tr> <tr> <td>141/\$1,280</td> <td>241/\$640</td> <td>Petition to revive unintentionally abandoned application</td> <td style="text-align: right;"></td> </tr> <tr> <td>142/\$1,280</td> <td>242/\$640</td> <td>Utility Issue Fee (Or Reissue)</td> <td style="text-align: right;"></td> </tr> <tr> <td>143/\$460</td> <td>243/\$230</td> <td>Design Issue Fee</td> <td style="text-align: right;"></td> </tr> <tr> <td>122/\$130</td> <td>122/\$130</td> <td>Petitions to the Commissioner</td> <td style="text-align: right;">130</td> </tr> <tr> <td>126/\$180</td> <td>126/\$180</td> <td>Submission of Information Disclosure Statement</td> <td style="text-align: right;"></td> </tr> <tr> <td>179/\$740</td> <td>279/\$370</td> <td>Request for Continued Examination (RCE)</td> <td style="text-align: right;"></td> </tr> <tr> <td>581/\$40</td> <td>581/\$40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td style="text-align: right;"></td> </tr> <tr> <td>146/\$740</td> <td>246/\$370</td> <td>Filing a submission after final rejection (37 CFR 1.129(a))</td> <td style="text-align: right;"></td> </tr> <tr> <td>149/\$740</td> <td>249/\$370</td> <td>For each additional invention to be examined (37 CFR 1.129(b))</td> <td style="text-align: right;"></td> </tr> <tr> <td colspan="2"></td> <td>Other fee (specify):</td> <td style="text-align: right;"></td> </tr> <tr> <td colspan="2"></td> <td>Other fee (specify):</td> <td style="text-align: right;"></td> </tr> <tr> <td colspan="3" style="text-align: right;">SUBTOTAL (3)</td> <td style="text-align: right;">(\$ 660)</td> </tr> </tbody> </table>				Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due	105/\$130	205/\$85	Surcharge - late filing fee or oath	130	127/\$50	227/\$25	Surcharge-late provisional filing fee or cover sheet		147/\$2,520	147/\$2,520	For filing a request for reexamination		115/\$110	215/\$55	Extension for response within first month [†]		116/\$400	216/\$200	Extension for response within second month [†]	400	117/\$920	217/\$460	Extension for response within third month [†]		118/\$1,440	218/\$720	Extension for response within fourth month [†]		128/\$1,960	228/\$980	Extension for response within fifth month [†]		119/\$320	219/\$160	Notice of Appeal		141/\$1,280	241/\$640	Petition to revive unintentionally abandoned application		142/\$1,280	242/\$640	Utility Issue Fee (Or Reissue)		143/\$460	243/\$230	Design Issue Fee		122/\$130	122/\$130	Petitions to the Commissioner	130	126/\$180	126/\$180	Submission of Information Disclosure Statement		179/\$740	279/\$370	Request for Continued Examination (RCE)		581/\$40	581/\$40	Recording each patent assignment per property (times number of properties)		146/\$740	246/\$370	Filing a submission after final rejection (37 CFR 1.129(a))		149/\$740	249/\$370	For each additional invention to be examined (37 CFR 1.129(b))				Other fee (specify):				Other fee (specify):		SUBTOTAL (3)			(\$ 660)
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SUBMITTED BY		Complete (If applicable)	
Typed or Printed Name	Brian M. Hoffman	Reg. Number	39,713
Signature		Date	March 12, 2002